

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

*NOTE  
10/18/17*

United States of America	)	
v.	)	
Jesus Manuel Orduno-Zayas,	)	Case No. 17-7524 MJ
a.k.a.: Jesus Manuel Orduno Zayas,	)	
a.k.a.: Jesus Manuel Odruno-Zayas,	)	
(A205 928 980)	)	
<u>Defendant</u>		

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 15, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jesus Manuel Orduno-Zayas, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about November 22, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

*CB*  
REVIEWED BY: AUSA Cassie Bray Woo for SAUSA Brett Day

Continued on the attached sheet.

Complainant's signature

*R. G. Prunty*  
Richard G. Prunty,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 20, 2017

Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,  
United States Magistrate Judge

Printed name and title

**STATEMENT OF PROBABLE CAUSE**

I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 15, 2017, Jesus Manuel Orduno-Zayas was booked into the Maricopa County Jail (MCJ) intake facility by the Arizona Department of Public Safety on local charges. While incarcerated at the MCJ, Orduno-Zayas was examined by ICE Officer M. Karakey who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On October 18, 2017, Orduno-Zayas was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Orduno-Zayas was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jesus Manuel Orduno-Zayas to be a citizen of Mexico and a previously deported criminal alien. Orduno-Zayas was removed from the United States to Mexico through Calexico, California, on or about November 22, 2016, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Orduno-Zayas in any Department of Homeland Security

database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Orduno-Zayas' immigration history was matched to him by electronic fingerprint comparison.

4. On October 18, 2017, Jesus Manuel Orduno-Zayas was advised of his constitutional rights. Orduno-Zayas freely and willingly acknowledged his rights and agreed to provide a statement under oath. Orduno-Zayas stated that his true and complete name is Jesus Manuel Orduno-Zayas, and that he is a citizen of Mexico. Orduno-Zayas stated he did not show any legal documentation to enter the United States and admitted to being previously removed from the United States to Mexico.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about October 15, 2017, Jesus Manuel Orduno-Zayas, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United

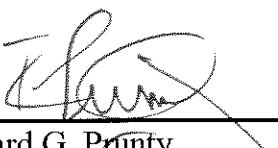
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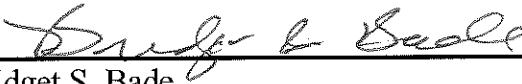
States at or near Calexico, California, on or about November 22, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

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Richard G. Prunty,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 20<sup>th</sup> day of October, 2017.

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Bridget S. Bade,  
United States Magistrate Judge